

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 4180 (S/S) 2001

Himmat Singh S/o late Sain Singh,
R/o Village Bangar Gaon,
Patti- Paidulsun,
District Pauri Garhwal.

----Petitioner.

Vs.

1. Union of India through,
Cabinet Secretary,
New Delhi,
2. Director S.S.B.,
Block V, R.K. Puram,
New Delhi 110066,
3. Commandant,
Group Centre Srinagar,
S.S.B. Srinagar,
District Pauri Garhwal.

-----Respondents.

Sri V.K. Bisht learned Sr. Counsellor for the petitioner.
Smt. Anjali Bhargava, learned Asstt. Standing Counsel for Union of India.

Hon'ble M.M. Ghildiyal, J.

Heard Sri V.K. Bisht, learned Sr. Counsel for the petitioner and Smt. Anjali Bhargava, learned Asstt. Standing Counsel for Union of India.

2. The petitioner has filed the present writ petition for the following reliefs:-

- (i) writ, direction or order in the nature of mandamus directing the respondents to appoint the petitioner on compassionate ground against the available Class III/Class IV post in the S.S.B.,
- (ii) any other writ, direction or order which this Hon'ble Court may deem fit and proper in the circumstances of the case,
- (iii) award the cost in favour of the petitioner.

3. The petitioner's father late Sri Sain Singh died on 21.10.1995 while in active service of S.S.B. Organization, leaving behind his widow Smt. Pitambari Devi and three sons, including the petitioner. On 10.10.1996, the petitioner submitted a representation to respondent no. 3 i.e. the Commandant, Group Centre Srinagar, district Pauri Garhwal for providing him appointment on compassionate ground. The application of the petitioner was sent to the Divisional Office by the respondent no. 2 on 10.10.1996. At the instance of the respondents, the petitioner had already undergone Gorilla Training for 45 days in the month of July 1995. On 20.01.1997, the respondent no. 3 sent letter to the petitioner informing him that his application is incomplete and directed him to furnish income certificate duly certified by the Tehsildar. In compliance of the aforesaid directions, the petitioner submitted required information to the respondent, however vide letter dated 09.10.1997, the petitioner was informed that he has been declared disqualified for appointment, but no reason was recorded in the aforesaid letter.

4. In the counter affidavit filed by the respondent it is stated in para-12 that during the course of medical checkup, the petitioner was declared unfit due to his being knock-knee and his shoulder deformity, as such, he cannot be provided appointment on the post of Constable. The mother of the petitioner again made a representation with the request that his son may be provided appointment on any post. On that application, the Director General of Security Office of the Directorate S.S.B., issued a memorandum dated 13.01.2000 to the Divisional Organizer U.P. Division, for reexamining the case of the petitioner on extreme compassionate ground to extend helps to him as desired by the Director General of Security . In

spite of this memorandum, the petitioner has not been provided appointment on any post.

5. The petitioner in para-20 of the writ petition has submitted that he is willing to join S.S.B. in any capacity in Class III or Class IV post. Learned counsel for the petitioner has submitted that the civilian work is also available with the respondent's establishment in which the post of Class III and Class IV category are in existence and the petitioner can be provided appointment in the Department on any of these posts where the requisite physical standard, fixed for selection of the Constable, is not applicable.

6. In view of the facts mentioned above, I think it just and proper to direct the respondents to consider the case of the petitioner for his appointment in any post according to his qualification and physical fitness, at the earliest, as directed by the Director General of Security by his office memorandum dated 13th January 2000.

7. With these direction, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

April 5, 2006:

NCM: